

**REGULAR MEETING
February 23, 2010**

City of Newburgh Zoning Board of Appeals

Summary of Record of Actions Taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on February 23, 2010 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Joanne Lugo
Victor Mirabelli
Mary Ann Prokosch
Mirta Rivas
Barbara Smith
James Kulisek

Also Present: Michelle Kelson, Assistant Corporation Counsel
Michelle Mills, Secretary to the Board

Motion Made to Approve Minutes of January 26, 2010 Meeting

Motion Made: Victor Mirabelli

Motion Second: James Kulisek

Motion Carried: Unanimous

One Year Extension:

- 1. Appeal No. 2008-6
Location: 9 Johnston Street
Applicant: Jim McElhinney**

James McElhinney appeared before the Board and advised that project bids will be out until April 2010 and that work is expected to be completed by Halloween this year.

Motion to approve extension: Victor Mirabelli
Motion Second: Barbara Smith
Motion Carried: Unanimous

Old Business:

- 1. Appeal No. 2010-01
Location: 115 Renwick Street
Applicant/Owner: Carl Ponesse**

Requesting a USE Variance to convert a two family dwelling into a three family dwelling and an AREA Variance for 5 feet on front yard setback and 3 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in an R2 Zone.

Joanne Lugo recused herself and MaryAnn Prokosch sat as chair for this item. Mr. Ponesse presents With financial statements and advises Board that without the variance he is unable to rent the basement as an apartment and therefore loses additional \$6,000 a year in income. He advised that his assessment and taxes have increased but not his income. The building was purchased in 1992 with tenants.

At this time the Chairperson opened the public hearing by reading the text of the notice.

No one spoke in favor or opposition to the applicant.

The public hearing was duly convened and completed on February 23, 2010.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE**: Victor Mirabelli

Motion Second: MaryAnn Prokosch

Roll Call Vote: Unanimous

Motion Defeated: Unanimous

2. Appeal No. 2010-02

Location: 302 North Water Street

Applicant/Owner: Statistical Analysis Inc.

Requesting a **USE Variance** to permit the redevelopment of the existing Regal Bag property for mixed residential uses consisting of 55 adaptive re-use residential units in the Regal Bag factory building, 48 waterfront townhouses, 48 units in two multi-family buildings and 14 town houses along Martin Luther King, Jr. Boulevard; an **Area Variance** for 7 feet on townhouse lot width, 58 feet on townhouse lot depth, 3 feet on townhouse front yard setback, 20 feet on townhouse with no shared wall side yard setback, 20 feet on townhouse rear yard setback, 5 feet or .5 story on townhouse height and 25 feet or 2.5 stories on apartment building height; 121 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in a W1 Zone and a variance for required road frontage under Section 300-11(E) of the Zoning Code.

William Kaplan appeared before the Board with Lou Marquet and Howard Kaufman of Leyland Alliance and his attorney Larry Wolinsky and recapped last month's meeting. Questions from the Board were answered regarding architectural renderings, floor plans and price ranges. Parking requirements became an item of discussion and concern for the Board.

At this time the Chairperson resumed the public hearing by reading the text of the notice.

No one spoke in favor or opposition to the applicant.

The public hearing was duly convened on January 26, 2010 and completed on February 23, 2010.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: MaryAnn Prokosch

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE**: Victor Mirabelli

Motion Second: James Kulisek

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **ARE VARIANCES** with parking standard to be set at 1.5 spaces per unit plus 10% visitor allowance pursuant to industry standard and without road frontage required under Section

300-11(E): MaryAnn Prokosch

Motion Second: James Kulisek

Roll Call Vote: Unanimous

Motion Carried: Unanimous

New Business:

1. Appeal No. 2010-03

Location: 245 Van Ness Street

Applicant/Owner: Calixto Cassas

Requesting a **USE** Variance to construct a single family residence and an **AREA Variance** for 3,320 square feet on lot area, 35 feet on lot width and 4 feet on the side yard, which do not meet the requirements of the Schedule of Use and Bulk Regulations in a C-2 Zone.

Mr. Cassas appeared before the Board and advised that he lives in Florida and is looking to build this new house for his children to live in. He has property on Broadway that was destroyed by fire and it would be more cost effective for him to build a new structure than to repair that building at this time.

At this time the Chairperson opened the public hearing by reading the text of the notice.

No one spoke in favor or opposition to the applicant.

The public hearing was duly convened and completed on February 23, 2010.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Mary Ann Prokosch

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: Mary Ann Prokosch

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE**: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCES**: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

OTHER:

The next meeting of the Newburgh Zoning Board of Appeal will be held on March 23, 2010.

Meeting Adjourned 9:35 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Joanne Lugo, Chairperson